REMARKS

Reconsideration and allowance are respectfully requested. No new subject matter has been added. The examiner is kindly requested to contact the undersigned at +1.202.434.7434 to discuss this reply.

Claim Objections

The Examiner objected to claim 1 on the ground that the language "in response to the third message" should be "in response to the second message." Applicant amended claim 1 accordingly.

The Examiner objected to claims 20, 25, 27 and 29 on the grounds that the recitation "wherein the data is persisted at the data output device across trips between the data distribution device and the data output device" is repeated. In accordance with the Examiner's suggestion, Applicant amended claims 20, 25, 27 and 29 to remove from each of these claims one the occurrences of the above recitation.

35 USC § 112

The Examiner rejected claims 1, 10, 20, 25, 27 and 29 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement, noting that "[t]he claims disclose **"wherein the data distribution device maintains a state of the data output device so that data distribution device does not send duplicative data to the data output device"**. However, neither applicant's cited paragraph [0035] for support nor the specification makes mention that the data output device state is maintained by the data distribution device in order to **"not send duplicative data to the data output device"**." (Office Action, page 3).

In response, Applicant amended claims 1, 10, 20, 25, 27, 29, to recite, as provided in paragraph 35 of the originally filed application (appearing in the published application as paragraph 53)[1], that the data distribution device maintains a state of the data output device so that

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[1] US 2005/0066050, page 4, paragraph 53:"[0053] In particular implementations, the data distribution device may maintain the state of the data output device and, thus, be able to provide the data output device with only new data. On the data output device side, the data may need to be kept persistent across the trips. One way to accomplish this persistency is to have one frame continually refreshing to obtain the new data, if any, and passing

the data distribution device provides the data output device with only new data. Applicant thus traverses the Examiner rejection of claims 1, 10, 20, 25, 27 and 29 under 35 U.S.C. § 112, first paragraph.

The Examiner rejected claims 1, 10, 20, 25,27 and 29 under 35 U.S.C. §112, second paragraph, as allegedly being incomplete for omitting, stating that, "[t]he omitted steps are: why the data distribution device is maintaining the state of the output device and why does the data distribution device not want to send duplicative data to the data output device" (Office Action, page 4).

Applicant respectfully disagrees with the Examiner's contentions.

MPEP 2172.01, on which the Examiner relies in support for the rejections of claims 1, 10, 20, 25, 27 and 29, provides that:

> 2172.01 Unclaimed Essential Matter [R-1]
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> A claim which omits matter disclosed to be essential to the invention as described in the specification or in other statements of record may be rejected under 35 U.S.C. 112, first paragraph, as not enabling. *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). See also MPEP § 2164.08(c). **Such essential matter may include missing elements, steps or necessary structural cooperative relationships of elements described by the applicant(s) as necessary to practice the invention.**
>
> In addition, a claim which fails to interrelate essential elements of the invention **as defined by applicant(s) in the specification** may be rejected under 35 U.S.C. 112, second paragraph, for failure to point out and distinctly claim the invention. See *In re Venezia*, 530 F.2d 956, 189 USPQ 149 (CCPA 1976); *In re Collier*, 397 F.2d 1003, 158 USPQ 266 (CCPA 1968). >But see *Ex parte Nolden*, 149 USPQ 378, 380 (Bd. Pat. App. 1965) ("[I]t is not essential to a patentable combination that there be interdependency between the elements of the claimed device or that all the elements operate concurrently toward the desired result"); *Ex parte Huber*, 148 USPQ 447, 448-49 (Bd. Pat. App. 1965) (A claim does not necessarily fail to comply with 35 U.S.C. 112, second paragraph where the various elements do not function simultaneously, are not directly functionally related, do not directly intercooperate, and/or serve independent purposes.).<
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> (Emphasis added MPEP 2172.01)

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the obtained information to the other interested frames. In a non-frame scenario, the data output device may need to refresh the interface by obtaining the previously obtained responses as well as the new ones." (Emphasis added)

Thus, a claim can be rejected under 35 U.S.C. §112, second paragraph, on the ground of omitting an essential element only if the applicant defined in the specification such an allegedly omitted element as being essential. In the present application, the specification does not define any element, including the feature of maintaining the state of the output device (identified by the Examiner as the allegedly missing element), as essential.

Contrary to the Examiner's contentions, Applicant's claims 1, 10, 20, 25, 27 and 29, are, therefore, not indefinite for omitting an essential element.

The Examiner rejected claims 15 and 30 (Applicant assumes the Examiner was referring to claim 31) under 35 U.S.C. § 112, second paragraph, as being indefinite, stating that: "[w]ith respect to claims 15 and 30 the claims disclose "wherein a first frame rendered on the data output device continually refreshes to obtain new data and the obtained new data is passed to one or more additional frames rendered on the data output device that require at least a portion of the obtained new data". It is unclear what applicant's are referring to as a frame, as a frame can be a GUI, a data link layer protocol data unit that contains frame serial number and frame information, as well as many other items" (Office Action, page 4).

In response, to expedite prosecution of the present application, Applicant amended claim 15 to remove the above-identified recitation, and cancelled, without prejudice, claim 31.

35 USC §102/103

The Examiner rejected claims 20, 23-28 under 35 U.S.C § 102(e) as allegedly being anticipated by US Patent No. 7,209,916 B1 by Seshadri *et al.* The Examiner rejected claims 1, 4-5, 7-9, 11, 14-16, 19-22 and 30-31 under section 103(a) as allegedly being unpatentable over Seshadri in view of Serrano-Morales *et al.* (U.S. Publication No. 2002/0032688 A1), rejected claims 2-3, 10, 12, 17, 21-22, and 29 under section 103(a) as allegedly being unpatentable over Seshadri in view of Serrano-Morales et al. and in further view of Abrari *et al.* (U.S. Publication No. 2002/0120917 A1), rejected claim 6 under section 103(a) as allegedly being unpatentable over Seshadri in view of Serrano-Morales and in further view of Carlson *et al.* (U.S. Publication

No. 2003/0046282 A1), and rejected claim 13 under section 103(a) as allegedly being unpatentable over Seshadri in view of Abrari. These rejections are respectfully traversed.

Applicant amended independent claim 1 to clarify that identifying the rule template is performed at the data distribution device, that the second message is sent from the data distribution device to the data output device over a communication network, and that the second message causes the data output device to generate a user interface based on the specified user interface and identified parameter in the second message. Support for the amendments is provided throughout the present application, including, for example, at page 3, paragraph 40, and page 4, paragraph 44 of the published application (US 2005/0066050). Applicant similarly amended independent claims 10, 15, 20, 25, 27 and 29. Applicant also amended the independent claims for great clarity to remove the recitation "and/or" and to replace the recitation "determine how, when, and under what conditions" with the recitation "determine under what conditions."

Applicant's independent claim 1 therefore recites "if the first message to modify has been received, identifying at the data distribution device a rule template associated with the data conveyance rules, the identified rule template comprising at least one parameter; sending, from the data distribution device to the data output device over a communication network, a second message specifying a user interface corresponding to the identified rule template and the at least one parameter associated with the data conveyance rules that are to be modified, the second message causing the data output device to generate a user interface based on the specified user interface and the identified at least one parameter in the second message."

Thus, the user interface through which a user can specify parameter values relevant to the particular rule template is generated, at the data output device, based on the specified user interface and the identified parameter(s) (with respect to which the user is required to supply corresponding values) sent in a message to the data output device. In other words, the user interface is not pre-stored in the data output device, but rather is generated afresh in response to receipt of the message from the data distribution device that includes the information needed to generate the user interface.

> [0040] Data distribution device 130 then identifies parameters for the
> selected rule template, the parameters being the portions of the rule
> template that have not been specified, and generates a message specifying
> a user interface corresponding to the selected rule template and identified

parameters. Device 130 then sends the message to data output device 110. In general, parameters may be rule template portions that vary from implementation to implementation. In particular implementations, a natural language description of the parameters may also be sent.

...

[0044] Upon receiving the message, data output device 110 generates a user interface corresponding to the selected template and the parameters and visually presents the user interface. Device 110 then waits for a user to specify the parameters. Specifying a parameter may include providing a numeric value for the parameter, specifying a text string for the parameter, specifying a logical condition for the parameters (e.g., true or false), or any other appropriate delineation.

(US 2005/0066050, pages 3-4, paragraphs 40 and 44)

Seshadri is directed to systems for delivery of notifications and performance of automated actions for users in the framework of an ad-hoc rules processing environment (Seshadri, Abstract). Seshadri describes that an information agent that includes a rule processor receives state information to determine when and if automated actions should occur, and further describes that the rules processor analyzes user defined rules or conditions that indicate a user's preference for being interrupted or notified in view of state information (Seshadri, col. 2, lines 34-45).

Seshadri also explains that "[a]n application developer can provide an interface similar to a Rules Wizard for defining InBox rules" (Seshadri, col. 9, lines 56-58), and that a user can invoke an interface application to supply the parameters to a rule template:

FIG. 6 is a diagram illustrating external data processing in accordance with an aspect of the present invention. In this example, the From_Rule example in FIG. 5 is modified to include a consideration of external data 610 that is processed by rules logic 614 and according to one or more incoming messages at 620 to perform one or more automated actions 630. Instead of specifying an explicit list of people whose mail should move to a particular folder, RobertB1, in this example, wants mail from any of his Buddies to move to the folder. The Buddies are a feature of an associated messaging server, and are maintained in a separate table. Similar to above, a rule template is developed, defining the supporting tables, and defining the rule logic 614, except that the rule defined uses another app-defined table called Buddies that is populated independently. A user then invokes an interface application to supply the parameters to the rule template. During execution, the rule logic 614 accesses both message supplied data

620, and external data 610, such as the buddies table example described herein.

(Seshadri, col. 10, lines 18-36)

Thus, while Seshadri's system includes an interface that a user can invoke and through which the user may supply parameters to a rule template, Seshadri, however, does not describe that such an interface is generated based on a message sent over a communication network from a data distribution device to a device on which the user invokes the interface. Seshadri's interface is presumably installed at some computing device and invoked at the user's discretion. Seshadri certainly does not describe one device sending another device a message that includes specified user interface and an identified parameter(s), and that based on such a message an interface is generated at the other device.

Accordingly, Seshadri fails to disclose or suggest at least the features of "sending, from the data distribution device to the data output device over a communication network, a second message specifying a user interface corresponding to the identified rule template and the at least one parameter associated with the data conveyance rules that are to be modified, the second message causing the data output device to generate a user interface based on the specified user interface and the identified at least one parameter in the second message," as recited in Applicant's independent claim 1.

Serrano-Morales is directed to a computer implemented approach for generating business rules (Serrano-Morales, page 1, paragraph 2). Serrano-Morales describes that "user interfaces are automatically generated based on the group of rule templates" (Serrano-Morales, page 1, paragraph 9), and explains that a rule generation system generates user interfaces according to definition specified by a particular template.

[0056] As mentioned previously, rules generation system 100 generates user interfaces that accept choices for editable rule elements. The user interfaces are generated according to definitions specified by a particular template. FIG. 5 is a block diagram that depicts a screen for a user interface generated for rule template 200.

(Serrano-Morales, page 4, paragraph 56)

Serrano-Morales, however, does not describe that such interfaces are generated at a first device based on information (e.g., a specified interface and a parameter(s)) provided in a message sent from another device to the first device over a communication network.

Accordingly, Serrano-Morales also fails to disclose or suggest at least the features of "sending, from the data distribution device to the data output device over a communication network, a second message specifying a user interface corresponding to the identified rule template and the at least one parameter associated with the data conveyance rules that are to be modified, the second message causing the data output device to generate a user interface based on the specified user interface and the identified at least one parameter in the second message," as recited in Applicant's independent claim 1.

Abrari, on which the Examiner relied upon to reject independent claims 10 and 29, fails to cure the deficiencies of the teachings of Seshadri and/or Serrano-Morales as they relate to the features pertaining to generating an interface at one device based on information (e.g., a specified interface and a parameter(s)) provided in a message sent from another device.

Because none of the references discloses or suggests, alone or in combination, at least the features of "sending, from the data distribution device to the data output device over a communication network, a second message specifying a user interface corresponding to the identified rule template and the at least one parameter associated with the data conveyance rules that are to be modified, the second message causing the data output device to generate a user interface based on the specified user interface and the identified at least one parameter in the second message," Applicant's independent claim 1, and the claims depending from it are patentable over the cited art.

Applicant's independent claims 10, 15, 20, 25, 27, and 29 recite "generate and send, from the data distribution device to the data output device over a communication network, a second message specifying a user interface corresponding to the identified template and the at least one parameter associated with the data conveyance rules that are to be modified, the second message causing the data output device to generate a user interface based on the specified user interface and the identified at least one parameter in the second message," or similar language. For reasons similar to those provided with respect to independent claim 1, Applicant's independent claims 10, 15, 20, 25, 27, and 29, and the respective claims depending from them, are patentable over the cited art.

Concluding Comments

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. For at least the foregoing reasons, Applicant respectfully submits that the Examiner's rejections have been overcome and all pending claims are in condition for allowance. Applicant submits that the claims are in condition for allowance, and requests reconsideration and allowance of the claims.

If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below. The Commissioner is authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 34874-358.

Respectfully submitted,

Date: November 4, 2010

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